



DEPARTMENT OF TRANSPORTATION  
HAZARDOUS MATERIALS REGULATIONS BOARD  
WASHINGTON, D.C. 20590

21531

[Docket No. HM-95; Amdt. 177-22]

**PART 177—SHIPMENTS MADE BY  
WAY OF COMMON, CONTRACT,  
OR PRIVATE CARRIERS BY PUBLIC  
HIGHWAY**

**Transportation of Blasting Caps With  
Other Explosives**

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to prohibit the transportation of blasting caps in the same motor vehicle with other explosives, except Class C explosives, unless approved by the Department.

On December 21, 1971, the Hazardous Materials Regulations Board published Docket No. HM-95; Notice No. 71-31 (36 F.R. 24125) which proposed regulations consistent with this amendment. Interested persons were invited to give their views and several comments were received by the Board.

Several commenters objected to the proposal indicating many years of successful experience transporting blasting caps in accordance with the present regulations. The Board wishes to reiterate its concern as expressed in the preamble of the notice:

The major concern with the transportation of blasting caps in the same vehicle with other explosives is the detonation of the other explosives should the blasting caps be subjected to heat, heavy shock, or other potential initiation sources.

At the present time, § 177.835(g) authorizes the transportation of blasting caps in fiberboard boxes in the same vehicle with high explosives. In 1964, there was a serious explosion following a fire in a semitrailer. The vehicle contained blasting caps packed in fiberboard boxes placed immediately adjacent to dynamite packed in fiberboard boxes. No one is in a position to say that the blasting caps initiated the dynamite due to their penetrating effect or that the dynamite was initiated due to elevated temperature. The fact remains that blasting caps, when placed in certain orientations to high explosives, could cause the initiation of high explosives even though they are properly packaged in accordance with Part 173 of the Hazardous Materials Regulations.

Other commenters made recommendations that the Board impose additional requirements most of which are outside the scope of this rule making action. Others suggested requirements that are already in existence in 49 CFR Part 397.

Several commenters objected to the regulation being expanded to apply when blasting caps are transported with class C explosives, such as oil well jet perforating guns. The Board agrees with the commenters that the amendment should be restricted to classes A and B explosives. The suggested change has been incorporated in this amendment.

In the notice, the Board proposed to adopt by reference a standard prepared by the Institute of Makers of Explosives (IME) which contained specific requirements for the construction of containers and compartments using a barrier laminated material which was tested by IME and witnessed by representatives of the Department. The Board now believes that adoption of the IME standard would be too restrictive and would prevent the use of other barrier material that may provide equal penetration and heat transfer resistance. However, the Board believes that the IME standard contains sufficient and adequate criteria to serve as a model for approval of other containers and blasting caps on a comparative basis. In using the standard, the Board believes that containers and compartments constructed of other materials, that will perform in fire tests as well as the containers covered by the Standard, can be used to transport electric blasting caps or other types of blasting caps in the same vehicle with Class A and B explosives.

Several commenters were concerned that there might be a conflict between this amendment and the Occupational Safety and Health Administration (OSHA) standards of the Department of Labor which totally prohibit the transportation of blasting caps in the same vehicle with explosives. There is no conflict because the OSHA and the Department of Transportation regulations relate to different areas. Section 4(b)(2) of the William-Steiger Occupational Safety and Health Act of 1970 provides that the Act does not apply to working conditions with respect to which other Federal agencies exercise their statutory authority to prescribe regulations affecting occupational safety. The Department of Transportation has such



statutory authority under Title 18 U.S.C. 831-835 to prescribe regulations for shippers and carriers involved in interstate commerce. Therefore, with respect to the statutory authority of the Department of Transportation relative to interstate commerce, the Department of Transportation regulations would apply and not the OSHA standard.

One commenter, representing the for-hire motor carrier industry in the transportation of munitions and explosives, objected to the proposed amendment being placed in Part 177 of Title 49, thus making the regulation applicable to motor carriers instead of shippers. This amendment relates to the loading as well as transportation of blasting caps in the same transport vehicle with other explosives. Section 173.30 specifies that any person who loads shipments of hazardous materials into transport vehicles shall comply with the applicable loading provisions, in this case with §§ 177.834 through 177.848. If a shipper loads a vehicle subject to the rules in this amendment, he must comply with these requirements.

In consideration of the foregoing, 49 CFR Part 177 is amended as follows:

In § 177.835, paragraphs (g) and (m) are amended to read as follows:

**§ 177.835 Explosives.**

(g) No blasting cap, regardless of type, may be transported on the same motor vehicle with any Class A or Class B explosive unless—

(1) It is packed in a specification MC 201 (§ 178.318 of this subchapter) container, or

(2) It is packed and loaded in accordance with a method approved by the Department. One method approved by the Department is as follows:

(i) The caps are packed in packagings prescribed in § 173.66(g) of this subchapter which in turn are loaded into portable containers or separate compartments meeting the requirements of the Institute of Makers of Explosives' Standard entitled "IME Standard for the Safe Transportation of Electric Blasting Caps in the Same Vehicle With Other Explosives," dated November 5, 1971 (IME Safety Library Publication No. 22).

(m) *Caps or other explosives.* Any explosive, including desensitized liquid explosives as defined in § 173.53(e) of this subchapter, other than liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, transported on any motor vehicle transporting liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, must be segregated, each kind from every other kind, and from tools or other supplies. Blasting caps must be packed in specification MC 201 (§ 178.318 of this subchapter) containers.

This amendment is effective June 30, 1973. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

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KENNETH L. PIERSON,  
*Alternate Board Member, for the  
Federal Highway Administration.*

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